



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No. 16

DAVID W. WILKES  
20905 S. 4090 ROAD  
CLAREMORE, OK 74019

MAILED

SEP 24 2010

OFFICE OF PETITIONS

In re Patent of  
Myers et al.  
Patent No.: 6,622,412  
Issue Date: 09/23/2003  
Application No. 09/854087  
Filing or 371(c) Date: 05/11/2001  
Title of Invention:  
ABOVE BARREL GRIP APPARATUS

ON PETITION

This is a decision on the "Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR § 1.378(b)),” filed June 4, 2010, to reinstate the above-identified patent.

The petition is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

**Background**

The patent issued September 23, 2003. Patentee could have paid the three and one half (3½) year maintenance fee between September 23, 2006, and March 23, 2007, without a surcharge, or within the six (6) month grace period between March 24, 2007 and September 23, 2007. Patentee failed to do so; accordingly, the patent became expired on September 24, 2007.

**The present petition**

Petitioner/Patentee files the present petition and provides that the reason maintenance fee payment was unavoidably delayed was because of financial inability to pay the maintenance fee. More specifically, Petitioner states that he was notified by his attorney that the maintenance fee for the present patent was due by March 23, 2007. Three months prior, Petitioner's divorce was finalized. Petitioner states that the divorce left Petitioner financially devastated. Further to this, Petitioner provides that he recently changed jobs within the company, but will remain employed.

Patent No.: 6,622,412

Page 6

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions